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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,617	10/01/1999	DAVID MICHAEL SHACKELFORD	TU9-99-029	5644

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EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 07/02/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,617

Applicant(s)

SHACKELFORD, DAVID MICHAEL

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claim 36 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim is dependent on a claim that is below it in the claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 30 recite the limitation "the time stamp" in line 1: There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8-19, 21-30, 34-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Medveczky, U.S. Patent No. 5,182,770. Referring to claims 1-3, 12, 13, 16-18, 25, 27-29, 38, Medveczky discloses a system for software protection wherein a user (second computer system)

requests access to a software package (receiving a request). The purveyor (first computer system) of the software generates a password and transmits it to the user (generate message, transmit message)(Col. 5, lines 46-52 & Col. 6, lines 46-49). The user then attempts to access the software with the previously received password, and is either granted or denied access based on the validity of the password (process response, permit access)(Col. 5, lines 53-60). Encryption and decryption can be performed on all information dealing with the generated passwords (encrypted message and response)(Col. 7, lines 48-54).

Referring to claims 4, 10, 15, 19, 23, 30, 36, and 40, Medveczky discloses having a random component with the messages (Col. 8, lines 54-60) and having configuration data (Col. 3, lines 18-22).

Referring to claims 8, 21, and 34, Medveczky discloses using a checksum to ensure the accuracy of message transmission (authenticate message)(Col. 8, lines 54-67).

Referring to claims 9, 11, 14, 22, 24, 26, 35, 37, and 39, Medveczky discloses using public key cryptography (Col. 7, line 66 – Col. 8, line 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medveczky, U.S. Patent No. 5,182,770, in view of Hill, U.S. Patent No. 6,131,088. Referring to claims 7, 20, and 33, Medveczky discloses a system for software protection wherein a user

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(second computer system) requests access to a software package (receiving a request). The purveyor (first computer system) of the software generates a password and transmits it to the user (generate message, transmit message)(Col. 5, lines 46-52 & Col. 6, lines 46-49). The user then attempts to access the software with the previously received password, and is either granted or denied access based on the validity of the password (process response, permit access)(Col. 5, lines 53-60). Encryption and decryption can be performed on all information dealing with the generated passwords (encrypted message and response)(Col. 7, lines 48-54). Medveczky does not disclose automatically installing the requested software. Hill discloses automatically installing software on a users computer (Col. 7, lines 27-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically install the requested software in order decrease the amount of user intervention that must occur to install software.

8. Claims 5, 6, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medveczky, U.S. Patent No. 5,182,770, in view of Komura, U.S. Patent No. 5,994,307.

Referring to claims 5, 6, 31, and 32, Medveczky discloses a system for software protection wherein a user (second computer system) requests access to a software package (receiving a request). The purveyor (first computer system) of the software generates a password and transmits it to the user (generate message, transmit message)(Col. 5, lines 46-52 & Col. 6, lines 46-49). The user then attempts to access the software with the previously received password, and is either granted or denied access based on the validity of the password (process response, permit access)(Col. 5, lines 53-60). Encryption and decryption can be performed on all information dealing with the generated passwords (encrypted message and response)(Col. 7, lines 48-54).

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Medveczky does not disclose using time stamps as an offset in the transmitted messages.

Komura discloses a packet transmission system wherein time stamp offset values are attached to data packets (message)(Col. 7, lines 22-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use time stamp offset values in the system for software protection for synchronizing purposes taught in Komura (Col. 6, lines 40-67).

Conclusion

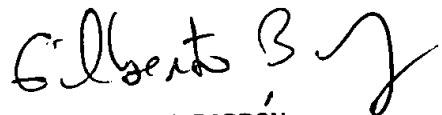
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Benjamin E. Lanier
June 25, 2003



GILBERTO BARRÓN
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